

ZB# 04-66

Genaro Argenio

57-3-4

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
GRANTED 10-25-04

ZBA # **04-66** GENARO ARGENIO
(AREA) 34 SESAME STREET (57-3-4)



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

OFFICE OF THE ZONING BOARD OF APPEALS

March 15, 2005

Genaro Argenio
34 Sesame Street
Rock Tavern, NY 12575-5529

SUBJECT: REQUEST FOR VARIANCE #04-66

Dear Mr. Argenio:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 57-3-4

In the Matter of the Application of

GENARO ARGENIO

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #04-66

WHEREAS, Genaro Argenio, owner(s) of 34 Sesame Street, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an
7 ft. Side Yard Setback
7 ft. Rear Yard Setback
3 ft. 6 inch Maximum Building Height
No accessory building shall project nearer to the street than the principal building.

For proposed accessory building (storage shed) at 34 Sesame Street in an R-1 Zone (57-3-4)

WHEREAS, a public hearing was held on October 25, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.

- (b) The applicant proposes building a shed in an area where it will be screened from the neighbors.
- (c) The applicant has asked for a height variance because the height of the proposed shed necessary to provide adequate storage space.
- (d) The shed will be supplied with electric power but, no plumbing.
- (e) The electric power will be on the same meter as is the power supply for the house.
- (f) The shed will not cause the ponding or collection of water or divert the flow of water drainage.
- (g) The proposed shed will not be built on top of any easements, including but not limited to, water, sewer or utility easements.
- (h) The shed will be similar in size and appearance to other sheds in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law

and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

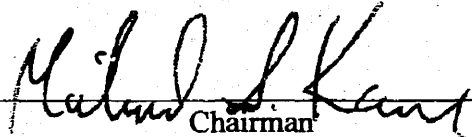
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a
7 ft. Side Yard Setback
7 ft. Rear Yard Setback
3 ft. 6 inch Maximum Building Height
No accessory building shall project nearer to the street than the principal building.

For proposed accessory building (storage shed) at 34 Sesame Street in an R-1 Zone (57-3-4) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: October 25, 2005


Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JANUARY 28, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 164.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-66

NAME & ADDRESS:

**Genaro Argenio
34 Sesame Street
Rock Tavern, NY 12575-5529**

THANK YOU,

MYRA

L.R.1-28-2005



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-66 TYPE: AREA

APPLICANT Name & Address:

**Genaro Argenio
34 Sesame Street
Rock Tavern, NY 12575-5529**

TELEPHONE: 496-4229

RESIDENTIAL:	\$ 50.00	CHECK # <u>237</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 236

~~~~~

| <u>DISBURSEMENTS:</u>        |                | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>8</u> PAGES | \$ <u>44.00</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ____ PAGES     | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>4</u> PAGES | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | ____ PAGES     | \$ _____                               | \$ _____                      |

TOTAL:      \$ 66.00      \$ 70.00

~~~~~

ESCROW POSTED: \$ 300.00

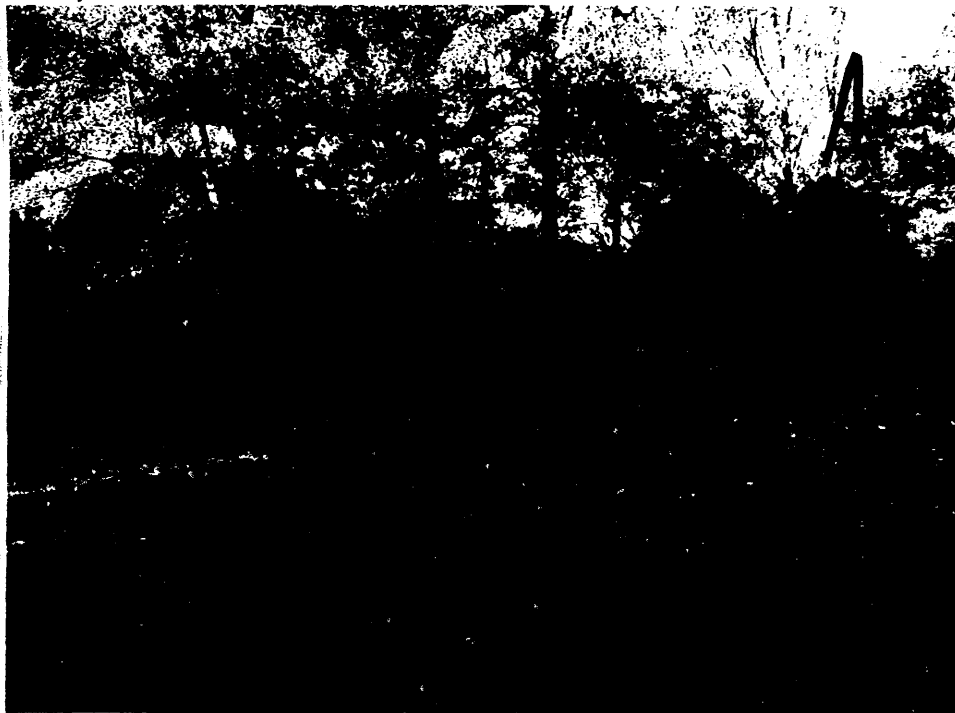
LESS: DISBURSEMENTS: \$ 136.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 164.00

Cc:

L.R. 1-28-05



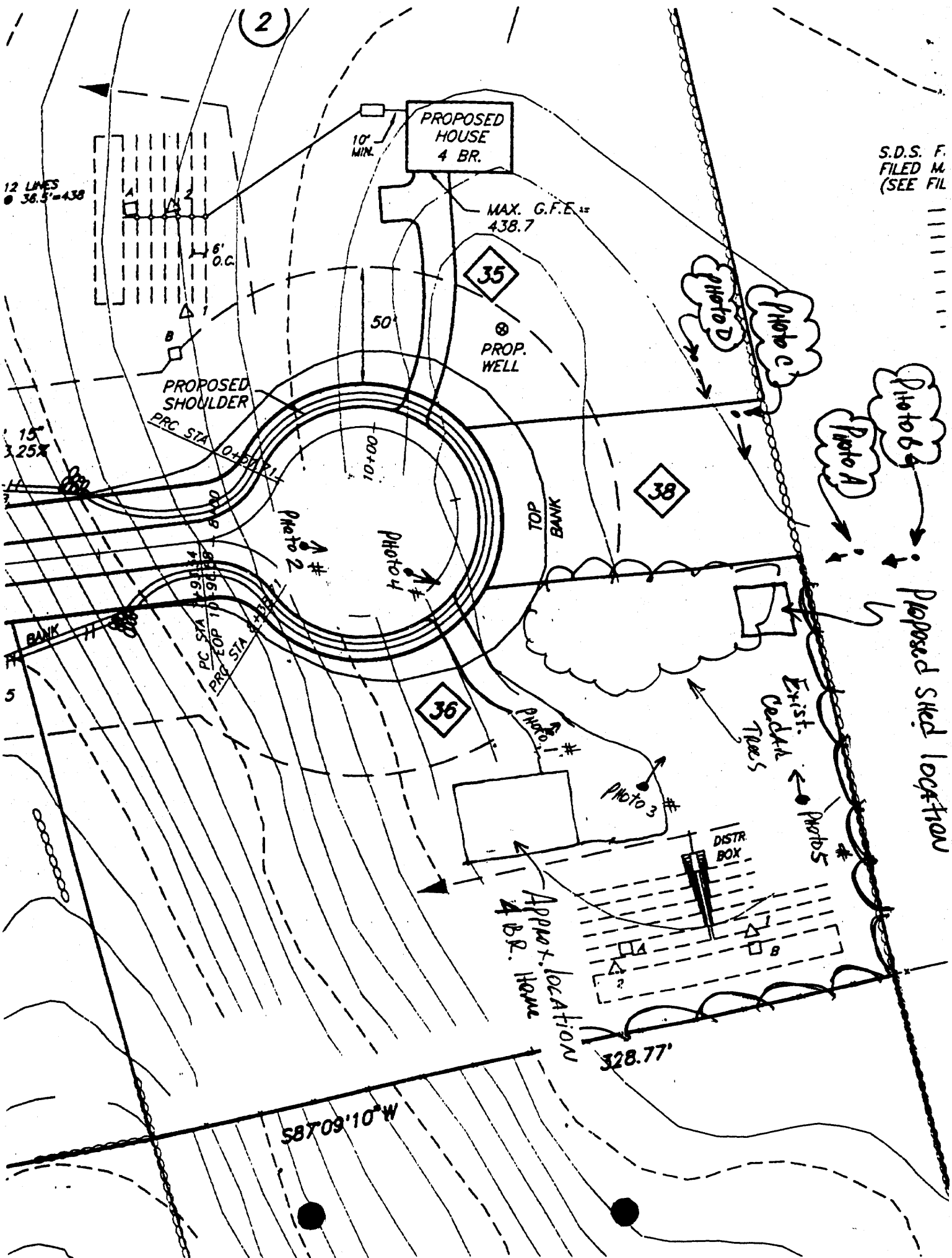
12 LINES
• 36.5' = 438

15' 3.25'

BANK

5

S87°09'10"W



S.D.S. F.
FILED M.
(SEE FIL

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 9/22/04

Revised: 9/30/04

APPLICANT: Genaro Argenio
34 Sesame Street
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9/21/04

FOR : Storage Shed

LOCATED AT: 34 Sesame Street

ZONE: R-1 Sec/Blk/ Lot: 57-3-4

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Accessory building can not exceed 15ft in height.
2. Accessory building shall be 10ft from any lot line.
3. 300-11 A (3) No accessory building shall project nearer to the street than the principal building.

COPY


BUILDING INSPECTOR (16)

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-1 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 10ft

3ft

7ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 10ft

3ft

7ft

REQ'D FRONTAGE:

MAX BLDG HT: 15ft

18ft6in

3ft6in

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unchecked inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: _____

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises GERARD A. ARGENTI

Address 34 Sesame St., Rock Town, NY 12575 Phone # 496-4229

Mailing Address _____ Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor Parasquato

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the South side of Sesame St
(N, S, E or W)
and 800' feet from the intersection of Sesame St. + Station Rd.
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒
3. Tax Map Description: Section 57 Block 3 Lot 4
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy _____ b. Intended use and occupancy Storage Shed
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? Yes
7. Dimensions of entire new construction. Front 28' Rear 28' Depth 18' Height 18'6" No. of stories 1
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor: _____
- Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychew
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

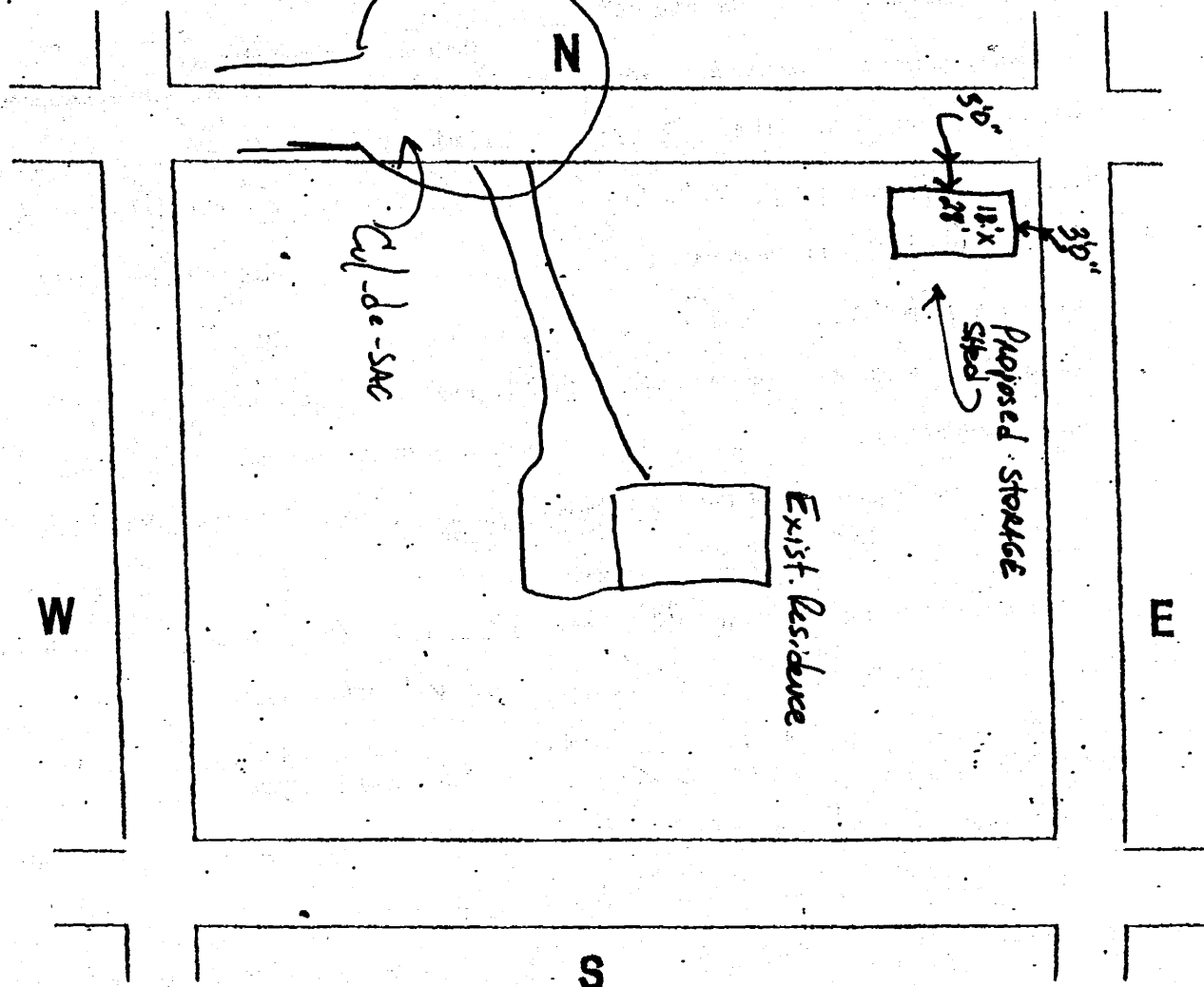
(Owner's Signature)

(Owner's Address)

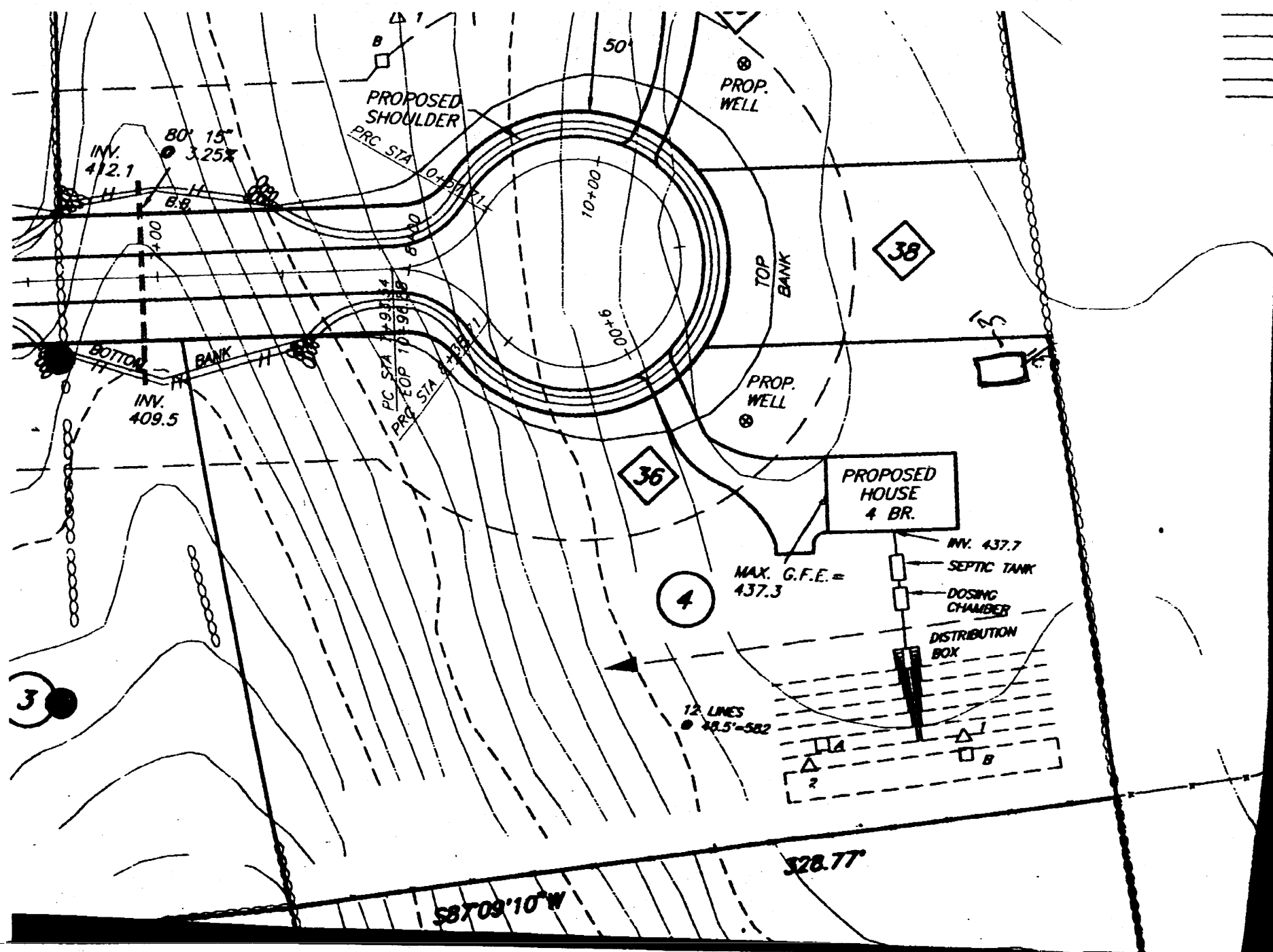
34 Sesame St. Rock Tavern, NY 12575

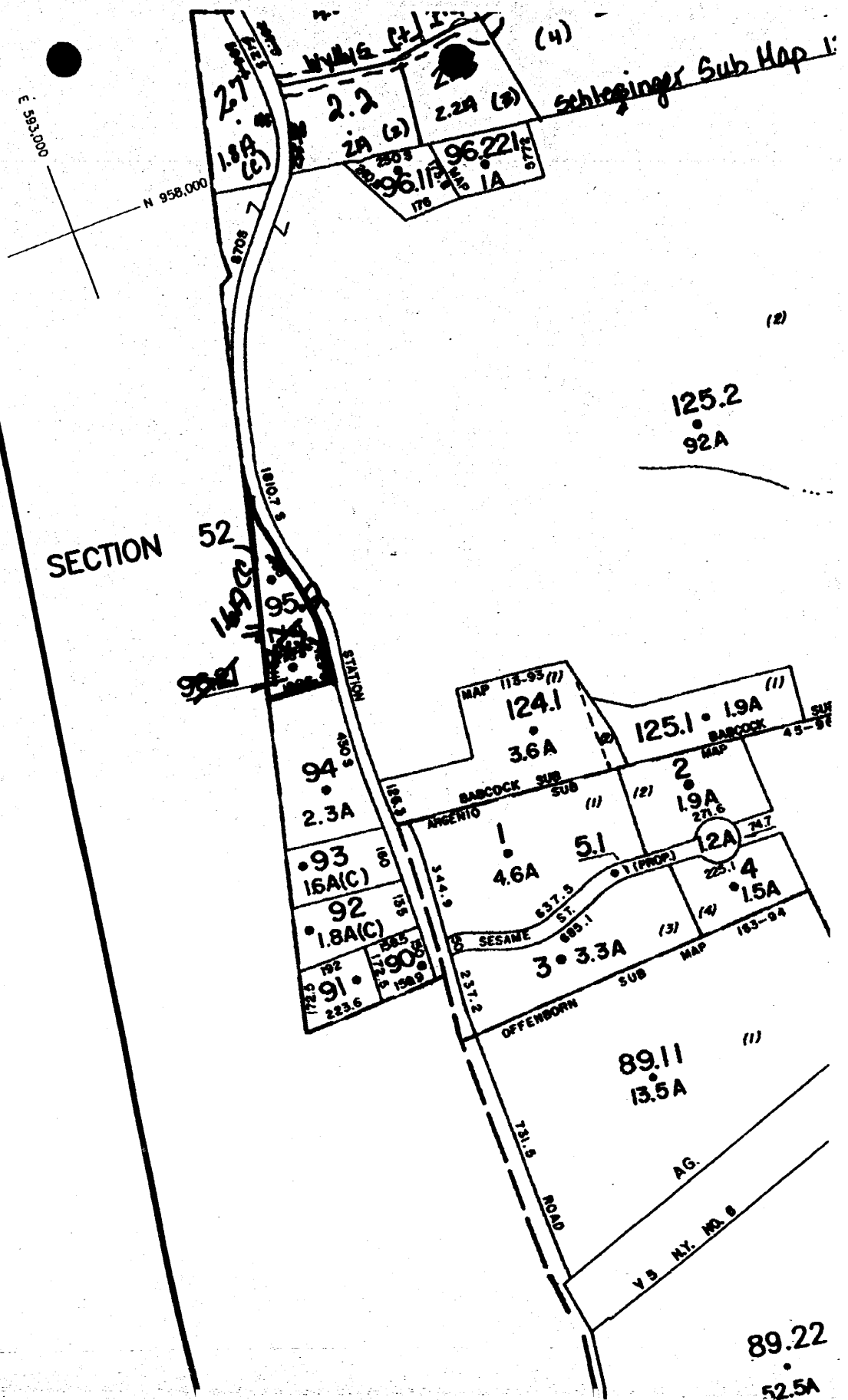
NOTE:

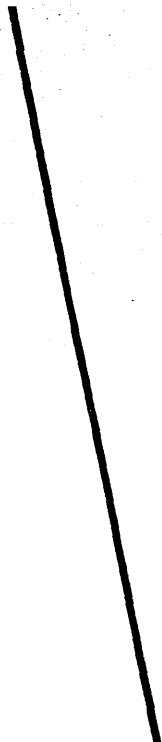
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



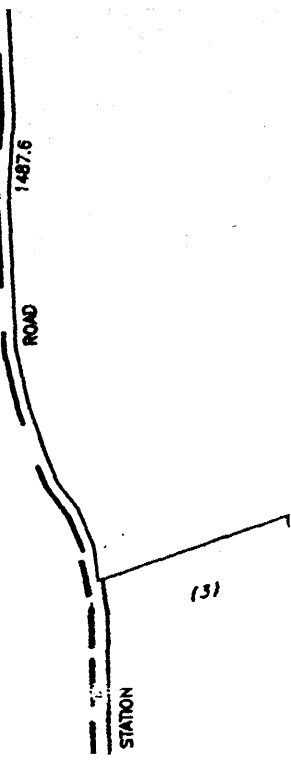
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OR PERMITS

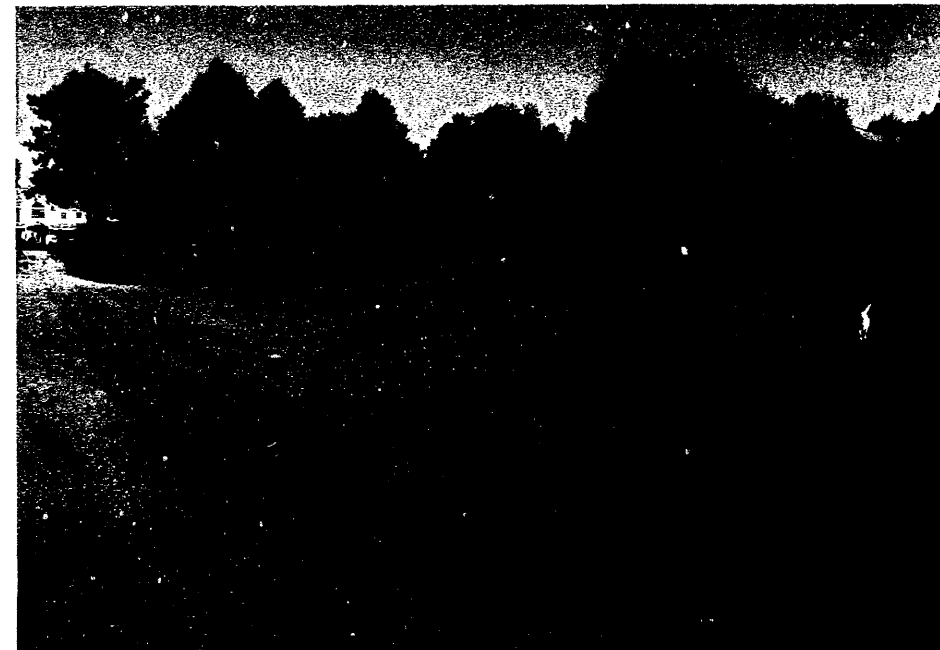






56







Proposed Site



S.D.S. F
FILED M
(SEE FIL

Proposed shed location

Exist.
Cedar
Trees

Photo 5

DISTR
BOX

328.77'

Approx. location
4 BR. Home

S87°09'10"W

PROPOSED
HOUSE
4 BR.

MAX. G.F.E. =
438.7

PROP.
WELL

BANK
TOP

Photo 4

Photo 2

Photo 3

Photo 1

38

35

36

10+00

50'

PROPOSED
SHOULDER

PRC STA 0+000
PC STA 1+000
PT STA 1+000
PRC STA 1+000

12 LINES
36.5' x 438

15'
3.25x

BANK

5



RESULTS OF Z.B.A. MEETING OF:

October 25 2004

PROJECT: Senors ArquisZBA # 04-66
P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____ CARRIED: Y _____ N _____
MINUTA _____
KANE _____PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒
VARIANCE APPROVED: M) MC S) L VOTE: A _____ N _____★ GANN A
LOCEY A
~~RIVERA~~
MC DONALD A
~~REIS~~
MINUTA A
KANE ACARRIED: Y 5 N 0.No water hazards
No Vegetation Cut
No Easements
Not higher than main building
Will have electric on same meter

PUBLIC HEARINGS:

GENARO ARGENIO (04-66)

Mr. Jerry Argenio appeared before the board for this proposal.

MR. KANE: Request for 7 ft. side yard setback, 7 ft. rear yard setback, 3 ft. 6 in. maximum building height for proposed accessory building, storage shed, at 34 Sesame Street.

MR. KANE: You want to do the same thing you did during our preliminary?

MR. ARGENIO: Right, Mr. Chairman, the only additional information I have for you is Mr. Reis had requested at the last meeting that I supply you folks with some photographs from my neighbor's property looking towards the area where I'd like to build the outbuilding and I have taken the liberty of here's the photos and if you look, there's an attached map, it shows, the attached map shows what position the photos are taken from. The second set of photos is a letter rather than a number.

(Whereupon, Mr. Reis entered the room.)

MR. BABCOCK: Jerry, would you have another copy for Mr. Reis?

MR. ARGENIO: Sure. Everything is the same, Mr. Chairman, nothing's changed, just a little additional information for you folks to consider when you make a decision.

MR. KANE: You want to proceed again, tell us exactly what you want to do? Same thing we did in the preliminary so we have it on the record, we have to repeat everything.

MR. ARGENIO: I understand. I need, since we have moved into that home five years ago or thereabouts we have continued to accumulate things, the garage is bursting with lawn implements and things of that nature and some of the stuff is actually stored outside. What I thought a good solution to be is to erect a shed, sizable shed somewhere on my property. The area I'm proposing we have deed restrictions in my neighborhood, Mr. Chairman, in the area I'm proposing the shed will be shielded screened if you will by a band of cedar trees on the corner of my property.

MR. KANE: That's photograph D?

MR. ARGENIO: I gave my last copy to Mr. Reis. Yes, that's looking from my neighbor's house to here across my neighbor's driveway, if I put it on the low side of the property, it's a bit steep and I'm encumbered in the rear of the property as you can see and if I'm able to achieve a variance, Mr. Chairman, I can tuck this building near the property line, it will be shielded from the cul-de-sac, shielded from view from the cul-de-sac by the cedar trees and there's also a foliage barrier as you can see in the lettered photographs from my neighbor's property in the back so my neighbor won't have to look at the shed either. And prior to approaching you folks to request the variance about a month ago, maybe a month and a half, I did personally visit all my neighbors to speak to them and tell them what I was going to propose to the Town to make sure they took no exception to what I was going to do and they responded favorably all of them.

MR. KANE: Not creating any water hazards or runoffs with the building of the shed?

MR. ARGENIO: No, Mr. Chairman, that area in the neighborhood is high and dry.

MR. KANE: Cutting down any substantial vegetation and

trees?

MR. ARGENIO: Again, no, Mr. Chairman, there's possibly two, maybe three cedar trees up in that cedar grove that I will cut down just to keep the foliage away from the building, the proposed structure.

MR. KANE: Are you on septic and well?

MR. ARGENIO: I'm on septic and well.

MR. KANE: Any easements in the area where the shed is going to be going?

MR. ARGENIO: No.

MR. MC DONALD: Will this be any higher in height than the main building?

MR. ARGENIO: No, it won't be, I think I did ask for a height variance as well. My intent there, Mr. McDonald, is to, I'd like to have a loft upstairs so I don't have to do this again in eight years or six years, I want to have the space, I intend to stay in New Windsor, my roots are here and I just don't have to do this again. I want to be done once and for all.

MR. KANE: Since this is a fairly big shed, are you going to have electric power going out to the shed?

MR. ARGENIO: Yes, I'm going to put power.

MR. KANE: Going to be on the same meter that the house is on?

MR. ARGENIO: Yes, sir.

MR. KANE: At this point, I will open up the public portion of the meeting and ask if anybody's here for this particular hearing? Seeing as there's not, then

October 25, 2004

6

we'll close the public portion and ask Myra how many mailings we had?

MS. MASON: On October 5, I mailed out 7 addressed envelopes and had no response.

MR. KANE: Okay, Joe, any other questions?

MR. MINUTA: No.

MR. MC DONALD: No.

MS. LOCEY: No.

MR. MC DONALD: Accept a motion?

MR. KANE: I will indeed.

MR. MC DONALD: Make a motion that we grant the variances to Mr. Argenio for his variance, 7 foot side yard setback, 7 foot rear yard setback, three foot six inch maximum building height on this proposed project.

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	AYE
MR. MC DONALD	AYE
MS. GANN	AYE
MR. KANE	AYE

MR. ARGENIO: Thank you for your time, Mr. Chairman, members of the board.

MS. MASON: Just read that over, tells you what to do next.

MR. KANE: Have a good day.

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

GENARO ARGENIO

**AFFIDAVIT OF
SERVICE
BY MAIL**

#04-66

----- X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 5TH day of **OCTOBER, 2004**, I compared the 7 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

5th day of October, 20 04

J. J. Mead (Gallegos)
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 04-66

Request of GENARO ARGENIO

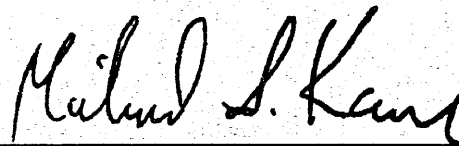
for a VARIANCE of the Zoning Local Law to Permit:

Request for: 7 ft. Side Yard Setback
7 ft. Rear Yard Setback
3 ft. 6 inch Maximum Building Height

No accessory building shall project nearer to the street than the principal building.

For proposed accessory building (storage shed) at 34 Sesame Street in an R-1 Zone (57-3-4)

PUBLIC HEARING will take place on OCTOBER 25, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

October 1, 2004

Genaro Argenio
34 Sesame Street
Rock Tavern, NY 12575

Re: 57-3-4

ZBA#: 04-66 (7)

Dear Mr. Argenio:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, paid in full by your deposit of \$25.00.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

57-1-89.11

Stacey Pazoga-Larsen
293 Woodcock Mountain Road
Salisbury Mills, NY 12577

57-1-124.1 & 57-1-125.2

Robert P & Catherine J Babcock
22 Tall Oaks View
Rock Tavern, NY 12575

57-1-125.1

Stephen & Carmen Babcock
30 Tall Oaks View
Rock Tavern, NY 12575

57-3-1

Kenneth & Melody Bantum
23 Sesame Street
Rock Tavern, NY 12575

57-3-2

John & Maria Ferrigno
31 Sesame Street
Rock Tavern, NY 12575

57-3-3

Richard & Andrea Scheibling
24 Sesame Street
Rock Tavern, NY 12575

57-3-5.2

Carlos & Grace Matos
4 Congress Drive
Washingtonville, NY 10992

TOTAL CHARGES: _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

October 5, 2004

Genaro Argenio
34 Sesame Street
Rock Tavern, NY 12575-5529

SUBJECT: REQUEST FOR VARIANCE #04-66

Dear Jerry:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

34 Sesame Street
Rock Tavern, NY

is scheduled for the October 25, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

PRELIMINARY MEETINGS:

GENARO ARGENIO (04-66)

MR. KANE: Request for 7 ft. side yard setback, 7 ft. rear yard setback, 3 ft. 6 in. maximum building height for proposed accessory building at 34 Sesame Street in an R-1 Zone.

Mr. Jerry Argenio appeared before the board for this proposal.

MR. KANE: So everybody knows, the Town of New Windsor holds a preliminary meeting and we try to get all the information from you so you can give us an idea of what you want to do, we can tell you what we need to try to make this thing go along. Everything has to be done by a public hearing so you'll do the same thing again when we have the public hearing and you actually do the vote at that point. Some towns do it cold where you just come in, tell us what you want, if you don't have the proper stuff, you lose. So New Windsor is pretty good, even though it's a two step process so proceed to tell us what you want to do, sir.

MR. ARGENIO: Mr. Chairman, I'd like to construct an outbuilding in my yard to store some of the things that myself and my family have accumulated over the years. We seem to be bursting out of our garage and our basement after only living in the home about 6 years, 5 or 6 years. I would like to construct a sizable shed with an attic to store these items that I just described, typical homeowner's stuff, pool floats, lawn mowers, things of that nature that are currently cluttering my yard. In my opinion, the best place to construct this structure is where it's shown on the map, I believe you folks have a copy of the map. We have a deed restriction in our neighborhood, it's a private road, Mr. Chairman, and I don't have the deed restrictions memorized, but it's things to the like of

outbuildings need to be constructed in the same style and decor as the house, no boats, no commercial vehicles, no unregistered vehicles laying about the yard, so to maintain the spirit of what we have in the neighborhood, I thought it best if I could construct this shed in an area where it would be concealed to the greatest extent that is possible. On the lower end of the property you can see it's fairly steep in the back of the property, it's an open lawn and if I place, I put it there, it will be clearly visible from the road and unsightly and it's still going to be visible from the road. As you can see in those photos 2 and 3 and 4 specifically is if this board sees their way clear to offer me the variance that I'm looking for, I can tuck it in beside the cedar trees and it would be screened from the cul-de-sac by the trees and I apologize, I should have a photo of from my neighbor's property looking at my property, if I had that photo, you would see that in the back of my property this is a wood line that I have indicated on the sketch that I drew it would also be screened from my neighbor's property.

MR. KANE: Can you bring that photo for the public hearing?

MR. ARGENTIO: I'd be happy to do that, Mr. Chairman. Additionally, the three foot that I'm asking for or the three foot that I'm asking for is not arbitrary, I did speak to my neighbor in the back, it's a woman, her name is Grace Matos to ask her opinion how she, if she'd look favorably upon it or not and she said she took no exception to it whatsoever but she did ask me if I can keep it away from the property line a bit to plant some bushes there to keep the spirit of the neighborhood that we have there on Sesame Street, that's where I came up with the three foot. That's it, Mr. Chairman. I'd be happy to answer any questions that the board may have.

MR. KANE: Except for the height of the building--

MR. ARGENIO: The shed itself whatever the dimensions of it I need to place 6 or 7 cedar trees to see what I can fit without it being an eyesore from the cul-de-sac but talking about approximately 17 or 18 feet by 19 or 20 feet something of that nature I'm looking for the relief on the height. I don't want to be back here again, I want to put some sort of an attic in the structure and be able to store stuff upstairs because I'm getting to the point where this is kind of getting old, I want to have some space and be done with it.

MR. REIS: Taking down substantial amount of trees?

MR. ARGENIO: No, not a substantial amount, Mr. Reis, I'd say probably six or seven of the cedar trees, not more than that and it's only those cedar trees, there's no tall oaks or tall pines or anything of that nature and again as I said to the chairman, Mr. Reis, I will make sure that next time I get some photos of the rear of the property from my neighbor's property for the public hearing.

MR. KANE: Not creating any water hazards or runoff?

MR. ARGENIO: No.

MR. KANE: Septic and well?

MR. ARGENIO: Yes.

MR. KANE: No easements through the area where you're proposing to put it?

MR. ARGENIO: No easements.

MR. KRIEGER: If the height were allowed, will it be any higher than the main building?

MR. ARGENIO: No, no, absolutely not.

MR. KANE: One question I have, Mike, for the building department looking at this coming out to the cul-de-sac as long as he's here is that going to be considered front yard, he's putting the shed here, his house is there, no sense giving him a variance if we make him illegal too.

MR. BABCOCK: We can put that in there.

MR. KANE: It's a weird lot but I don't want to have him run into anything.

MR. BABCOCK: Actually his front yard is a circular because of the cul-de-sac at 35 feet. Do you see the dotted line, Mr. Chairman, if you have it?

MR. KANE: Yeah.

MR. BABCOCK: That's his front yard setback the dotted line so I don't know whether you would say that's in the front yard or not, I guess you could so since he's here, I'll put that in.

MR. KANE: It's your call because the banks are going to be asking you.

MR. BABCOCK: I'll put that section of the code in there so there's no question.

MR. KANE: Do you follow what I'm getting at? Just looking at the map or somebody would look like the shed is in the front of the house and you're not in the front of the house and you're not allowed to have the accessory buildings in the front yard so just to cover that base cause you never know, it's not going to cost you anything extra but I'd prefer that you make that application so that it doesn't rear its head later on for you.

MR. ARGENIO: What's that, Mr. Chairman, that's a separate and distinct application?

MR. KANE: No, no, right added into this.

MR. ARGENIO: Verbiage that would be written into this?

MR. BABCOCK: One more variance.

MR. KANE: One more added to this which neither makes it more expensive--

MR. ARGENIO: The board would look upon it for sure, it's my back yard.

MR. KRIEGER: Understand it's not so much the board is concerned about that as the concern is that somebody else looking at it in the future.

MR. KANE: Bank.

MR. KRIEGER: May I attach that?

MR. KANE: They may say it's your front yard and--

MR. BABCOCK: Jerry, just in plain terms if they were to continue Sesame Street farther along and get rid of the cul-de-sac that shed would then be in your front yard.

MR. KANE: Then somewhere down the line it would come up so rather than handling it ten years from now, let's just straighten it out.

MR. ARGENIO: Yes.

MR. BABCOCK: There's a section that says it can't project closer to the street than the principle building. I'll write that in there.

MR. KANE: With your permission.

MR. ARGENIO: Absolutely, you have that, Mike.

MR. BABCOCK: Yes.

MR. KANE: You guys got that?

MR. ARGENIO: Lot 38, Mr. Reis, is a 17 acre parcel back here, I can show it to you.

MR. BABCOCK: It's a 50 foot strip to get to that.

MR. ARGENIO: Correct but 38 is a 17 acre parcel.

MR. REIS: There's potential for future development possibly?

MR. ARGENIO: Not really.

MR. REIS: The reason I mention that if that would ever happen, obviously.

MR. ARGENIO: Here it is right here.

MR. REIS: So it could indeed become a front yard some day possibly?

MR. ARGENIO: It's possible.

MR. KANE: Rather than something pop up, let's just clear it up.

MR. ARGENIO: I agree, it's the wisdom of sitting in that seat.

MR. KANE: Are you going to be putting any electric power to this shed?

MR. ARGENIO: I don't think I've thought it through

that far at this point.

MR. KANE: The only other thing that I, and it's really not in the application, 17 x 19 seems a little big, I don't know, maybe I'm wrong.

MR. BABCOCK: For the size of his lot, he's well, he could put probably could put a 30 x 40 in.

MR. KANE: So no problem.

MR. BABCOCK: Without a problem, yeah, and the height Mr. Chairman is the, when I talked to Mr. Argenio about the pitch of the roof, one of the things of what we thought is that you should keep the same pitch as the house so on a structure that's 18 to 20 foot wide, if I try to stay 15 feet high, you put a real low peaked roof, it's not even to come near what the house would look like.

MR. KANE: Okay, any other questions?

MR. REIS: You asked about electric and/or plumbing but you're not sure if that's going to happen.

MR. ARGENIO: Again, I'm quite sure there will be no plumbing in there. The electric as I said I really haven't thought it that far through. I'd like to have electric be very honest with you.

MR. KANE: Just so you know during the public hearing I will state since it's going to be a fairly decent size that there's no intention to use that as a small apartment or anything along those lines, just so we have it in the record.

MR. ARGENIO: Absolutely.

MR. KAEN: Cause they live in strange places around here.

MR. ARGENIO: I'm well aware of that in the Town of New Windsor, Mr. Chairman.

MR. KANE: Okay, any other questions, gentlemen? Motion?

MR. REIS: Make a motion that we set up Mr. Argenio for his public hearing for his requested variances at 34 Sesame Street.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. ARGENIO: One final thing relative to the front yard business, there's no action required on my behalf?

MR. BABCOCK: No, we're going to add it to the list and that's it.

MR. KANE: Only action we needed was your approval.

MR. ARGENIO: Thank you for your time.



RESULTS OF Z.B.A. MEETING OF:

September 27, 2004

PROJECT:

Gerardo Argenio

ZBA #

04-66

P.B.#

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN

LOCEY

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N PUBLIC HEARING: M) S) VOTE: A N

GANN

LOCEY

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N NEGATIVE DEC: M) S) VOTE: A N

GANN

LOCEY

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N APPROVED: M) S) VOTE: A N

GANN

LOCEY

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) RS S) MCVOTE: A N ~~GANN~~~~LOCEY~~

RIVERA

MCDONALD

REIS

~~KANE~~

KANE

AAAAACARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

GANN

LOCEY

RIVERA

MC DONALD

REIS

MINUTA

KANE

CARRIED: Y N Photos from Neighbor's propertyAdd section of code for front yard structure

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 09-27-2004

FOR: ESCROW 04-66

FROM: GENARO ARGENIO

34 SESAME STREET

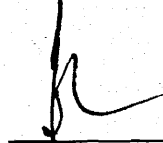
ROCK TAVERN, NY 12575-5529

CHECK NUMBER: 236

TELEPHONE: 496-4229

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

9/27/07

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA #04-66
Application fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#989-2004

09/27/2004

Argenio, Genaro

Received \$ 50.00 for Zoning Board Fees, on 09/27/2004. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted)

SIGNATURE

DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE ☒

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	10' 0"	3' 0"	7' 0"
Reqd. St Front*	10 FT 0"	3' 0"	7' 0"
Max. Bldg. Hgt.	15' 0"	18' 6"	3' 6"
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☒

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

It is my desire to construct A sizable shed to house ~~the~~ some of the items that my family has been gifted + collected over the years. These items currently clutter my yard + GARAGE. The West end of my property is remote + steep, the South side is the front + faces the road, the East + North side are lawn + are viewable from the cul-de-sac. If the shed is placed tight in the North East corner it will be shielded from view from the road by a stand of cedar trees to the West, thus maintaining the Rural character of the ~~area~~ area. The purpose of the height variance is to have some type of attic space so that this shed can accommodate future growth of my family + our belongings.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☒

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

To disturb the Cedar trees only as necessary to construct sidewalk. The balance of them will remain as permanent screening

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT ~~THREE~~ SETS OF THE PHOTOS.)
4 sets

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

23 day September 2004
LEANN JUSINO
Notary Public, State of New York
Qualified in Dutchess County
Registration No. 01JUS097888
Commission Expires September 2, 2007
Leann Jusino
Signature and Stamp of Notary

[Signature]
Owner's Signature (Notarized) ✓

GENARO A. ARBEVIO
Owner's Name (Please Print)

[Signature]
Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☒